

Abstract

The diploma thesis is focused on the claim from the incorrect fulfilment of the tour contract, which represents a part of the legal regulations of a tour. Considering significant development of travelling, this topic is very actual and issues that arise during implementing the legislation in practice need to be answered.

The goal of my thesis is answer questions which are actual and often appearing in practice, but it does not exist clear legal opinion or sufficient resources to answer to these questions. The main resources for the writing of my thesis was the current text of the Civil Code, the Tourism Act, the Consumer Protection Act and Directive 90/314 / EEC, which were compared with the new Directive 2015/2302 and the proposed regulations of the Civil Code.

The diploma thesis consists of six chapters, including the introduction and the conclusion. The basic direction of the thesis is presented in the introduction same as questions. The main goal is answer to these questions. The content of the second chapter is the definition of the tour contract through several legal regulations, the definition of contracting parties and the related representation of their rights and obligations. The most fundamental part of this chapter for the diploma thesis is the presentation of the position of the customer who concluded the tour contract and the customer in whose favor the tour contract was concluded.

The third chapter contains a brief introduction of general liability for defects, which is compared with the special adaptation contained in the touring arrangement then. The following fourth chapter describe the process of the complaint especially in terms of its form and the deadline for claiming using the method of comparison of the current legal regulation with the proposed legal regulation.

The penultimate fifth chapter presents the settlement of the claim. This chapter introduces individual customer claims to a legitimate reclaim and compares them with the claims contained in the proposed legal regulation. This chapter also deals with the non-settlement of a reclaim by the organizer of a trip in relation to a customer in the position of the consumer and the consequences associated therewith.

The results and objectives of the thesis are summarized in conclusion.